

TOWN OF TRURO  
BOARD OF SELECTMEN  
MEETING OF TUESDAY, AUGUST 2, 2005

The Truro Board of Selectmen met for their weekly session on Tuesday, August 2, 2005 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Paul J. Asher-Best, Lloyd F. Rose, Christopher R. Lucy, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Martha Nagy, Peter Statesman, Cathy Costa, Dick Seed, Steve Roderick, Richard Harsh, Alan Frankel, Bill Worthington, Jim Moore, Andrew Furor, Brian Boyle, Curtis Hartman, Mike Roderick, Fred Sterile, Joel Gorsier, Jennifer Creech and Kaimi Lum of the Banner. Assistant Town Administrator John J. Sanguinet was on vacation.

Mr. Gaechter convened the meeting at 6:00 p.m.

**Minutes:** Mr. Palmer moved to approve the minutes of July 19, 2005 as presented. Mr. Asher-Best seconded it. Vote: 5-0, unanimous.

**Public Comment:** Mr. Frankel asked for an update on the rental tax proposed by the Town of Brewster. Mr. Gaechter told him that the BOS had decided not to support it at this time. Mr. Asher-Best said that for the record, he supports the tax; the Town of Yarmouth did not sign on this either. Mr. Frankel said it is the position of the TNRTA that such a tax would not be in the best interests of the town.

**TNRTA:** Mr. Gaechter said that the BOS is always interested in their views. He is encouraged that TNRTA members are becoming members and Chairs of town multi-member bodies and bringing insight from the real world. Mr. Frankel said that there is always the issue of people's availability to be in town. He congratulated the Board on their goals and objectives and what was accomplished during the year and on the congeniality between his group and the BOS and the town. He feels there is a lessening of the "us and them" type of thing. He added that the group has no burning issues right now. Their membership is fairly stable at 400 household members. The beach parking issue is their most recent issue, other than the potential rental tax which has been dealt with. Mr. Gaechter assured him the BOS would be looking at long term solutions to beach parking issues and changes in policies have been short term; under the advice of the Beach Commission they will be looking at them all this fall. He added that the Community Center is going to be a hot topic and he knows their input will be helpful.

**Beach Commission:** Mr. Seed updated the Board on the last meeting of the Beach Commission. In the interest of good faith, and at the Beach Supervisor's discretion, they voted to recommend allowing boats that were stored on Corn Hill Beach last season to remain for the rest of the season. The traditional storage area has been 50-100 feet to the left of the boat ramp as you face the bay. Mr. Gaechter reminded the Board that they had voted a policy to ban all boat storage and that would have to be rescinded, and a motion made to endorse the recommendation of the Beach Commission. **Mr. Asher-Best so moved. Mr. Gaechter seconded it.** Mr. Moore asked if this would apply to the three sun fish stored on Fisher Beach. Mr. Gaechter asked that the motion be restated to include that. **Mr. Asher-Best moved to accept the Beach Commission recommendation to allow storage of small boats as has been traditionally done on town**

**beaches at the discretion of the Beach Supervisor for the remainder of the season with the understanding that a longer term solution will be addressed this fall. Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

Mr. Seed reported that the Beach Commission recommends that the Board continues the policy of no waiting; it is the job of the Beach Supervisor to decide on these kinds of things. Parking is always available at other beaches in town on any given summer day. Ms. Costa said that the use of cones to close South Pamet Road when the lot is full, combined with a no dropping off policy has been working well. She explained the system she is using to the Board. **Mr. Gaechter moved that for the remainder of the season the Board continue the Beach Supervisor's policy of no queuing at town beaches and continue the use of pylons closing the road at Ballston when the lot is full. Mr. Asher-Best seconded it. Vote: 5-0, unanimous.** Mr. Hersh questioned the fairness of this policy. Mr. Gaechter said the two considerations here are the safety of everyone and the abuse to town employees. He added that the NPS and no other towns allow queuing, and in Truro it seems only to be at Ballston. He said he went to Ballston after the attendants had left and he found it to be a dangerous place to be, with no way for public safety vehicles to get through. It is a tight spot, and people have been abusing the rules, saying they were going to drop off and then staying. Mr. Seed noted that only one beach in Wellfleet allows waiting. Ms. Costa said that there has been violence in the past; this didn't just start this summer. Mr. Frankel asked about a land swap with the NPS. Mr. Gaechter said that is being looked into in many areas, not just at Ballston. If the TNRTA has any ideas over the winter, they would be happy to look at them. Mr. Frankel asked about the use of the shuttle bus. Mr. Gaechter said that there is no room at Ballston for a bus to turn around.

Ms. Nolan reported that she received an e-mail from then Chair Averback informing her of some issues and asking that she set up a meeting with the Chief of Police and the Beach Supervisor to discuss them. She has met with them and the radio frequency change was discussed. There had been a problem with the tower, and it appears the problem was a lack of communication between Ms. Costa and Lt. Lundborn. It was agreed that Ms. Costa will call Lt. Lundborn if this happens again. The issue with the cash deposits was not up for discussion. It has to happen and is happening again. Ms. Costa and Lt. Lundborn will be meeting frequently each week to enhance communications. She was happy with the meeting; there is camaraderie between Ms. Costa and Lt. Lundborn. Mr. Asher-Best asked about the lock at Beach Point Landing. Ms. Nolan said they chose to let that be history, but the explanation was that the police didn't want to have to go back to the station for a key; a copy of the combination could be kept in each cruiser. Ms. Costa noted that the lock is broken now; apparently Tom at Horizon couldn't get it to open and by the time she got down there, it was cut off. His explanation was that it fell apart. Mr. Lucy questioned who had the combination, and why are we giving it out; the lock was changed to get it out of the hands of a private citizen, so giving out the combination is making this policy useless. Mr. Gaechter asked Ms. Nolan to speak with Lt. Lundborn about controlling access to the combination.

Ms. Costa announced that the piping plovers have fledged and the beaches are open again to ORV traffic. The tern areas remain roped off. Ms. Costa told Mr. Asher-Best that beach receipts

are up approximately \$25k.

**Chamber of Commerce contract:** Mr. Gaechter moved to approve by unanimous consent.

**Housing Authority:** Mr. Gaechter moved to appoint Susan Kadar to the Housing Authority as a replacement for Ms. Sears-Mack and to send Richard Marr's name to the State as an appointee. Mr. Asher-Best seconded it. **Vote: 5-0, unanimous.**

**Castle Hill Parking request:** Mr. Hartman asked if Castle Hill could use the Town Hall parking lot for their event scheduled for August 6<sup>th</sup> from 6:00 p.m. - 9:00 p.m. **Mr. Gaechter moved to approve the request of Castle Hill to use the town parking lot. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

**Bay Communications:** Town Counsel has revised this notice of lease and assignment. **Mr. Gaechter moved to approve and authorize the Chair to sign. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

**Curb Cut:** Mr. Palmer moved to approve the request for a curb cut at 631 Shore Road. **Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

**Recreation volunteer program:** Mr. Peters explained that he decided to eliminate the summer program for 13-14 year olds to accommodate other younger people, and instigate an alternative volunteer junior counselor program for them. He explained to the Board how this program would work and introduced them to Tommy Solo. He asked that the Board add him to the town's liability policy. Ms. Nolan explained that once the BOS approved an activity, our policy would cover anyone involved in the program. Mr. Asher-Best questioned this because the town has many volunteers. Ms. Nolan said that simply by approving a budget, the Board is approving the activity the budget will pay for. **Mr. Asher-Best moved to approve the Junior Counselor program position to work as unpaid volunteers. Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

Mr. Peters gave the Board an update on the Recreation program. He told the Board that he is excited about giving input on the Community Center project. He is still an advocate for a swimming pool, which he feels would be good for everyone and a fee could be charged if necessary. He is working closely with Ms. Grenier and is planning to open school building time for adult programs such as yoga, step aerobics and pilates. He is hopeful to be able to add many new programs in the future. Mr. Gaechter said that the BOS is enjoying his enthusiasm.

#### **Town Administrator's Report:**

- Mr. Morris would like to apply for a grant from the County Extension for \$10k for parks and areas like that; he has the former Duarte property in mind.
- Reported on a meeting with the Executive Board of Truro Treasures; Truro Treasures weekend will be held September 16-18. One of the planned events is a tour of historic homes and they will be formally requesting of the BOS if the Town Hall can be part of their tour.

- Reported that the Harbor Master estimates the moorings within the TCT area at 40. The easement allows us a maximum of 45. Mr. Roderick told the Board that this is a conservative estimate, and unless a survey is done, the number cannot be totally accurate. Mr. Gaechter directed Ms. Nolan to call Ansel Chaplin to set up a meeting with herself and the Harbor Master to discuss the three rental moorings that may have been placed in the wrong area.

**Selectmen/Liaison Reports:**

**Lucy:** -He had no meetings this week as liaison, but attended the ConsCom meeting and reported that Jim Downey is back as Chair. He noted that when you are sitting in the audience area in this room you cannot hear anything over the air conditioning.

- Reported that he received a request from people in Truro Center to extend the shuttle bus route. After 7:00 p.m., Jams is closed and perhaps something could be worked out there for parking. It would not be that far from the end of the shuttle route. Mr. Gaechter directed Ms. Nolan to speak with the proper person on this. She said she would call Al Silva. She noted that the flex bus route funding is still very much up in the air.

**Asher-Best:** FinCom will be meeting on August 13 to reorganize.

- CAC is meeting tomorrow; they received a set of minutes via e-mail from the local group that has been meeting to discuss a future contract with Comcast. Evidently when their contract is up, Comcast wants to close the Orleans studio and these people are mainly concerned with that issue.

- The Goals and Objectives are up on the web. He asked Ms. Nolan to direct Mr. Delius to make a couple of small corrections.

**Gaechter:** -Asked that a copy of the letter received praising the golf course staff be given to Mr. Knowles. He received a citizen compliment on the way Ms. Pajaron handled a recent complaint and he asked Ms. Nolan to share that with her.

- Asked the Board to come up with a position tonight on Old Kings Highway now that they have an opinion from Town Counsel so that a letter can be sent to Mr. Duarte. Ms. Nolan told the Board that Mr. Morris agrees with Town Counsel that the town should not be maintaining it; that would set a precedent of caring for roads that have not been proven to be public ways. She added that they town doesn't have the proper equipment to care for unpaved roads. Mr. Palmer said that Mr. Duarte was only asking for some pot holes to be filled. Mr. Gaechter noted that two new houses are being built out there, and it would be opening up a Pandora's box. Mr. Asher-Best agreed, but said he didn't like the letter of the law and making a citizen prove it is a town way. Mr. Rose suggested researching this further. They discussed the lack of a role by the NPS, the history of Old Kings Highway, what other towns have done with their portion of the old road, and what other portions running through Truro have been taken over. Ms. Nolan cautioned the Board to be mindful of the budget--it is a massive undertaking to care for unimproved roads. The Board discussed who might have records on this road. Mr. Gaechter directed Ms. Nolan to consult with Ms. Kelly on the plans of the two houses under construction; maybe they will contain some information. He asked that this matter be put on next week's agenda

- His draft letter to the USPS was distributed to the member via e-mail. He asked for their comments on it. Mr. Asher-Best said it was way too much, bordering on mud slinging. He advised Mr. Gaechter to just say the Board continues to offer support in search of a site. Mr.

Lucy agreed there is no need to go into details. Mr. Gaechter will revise the letter and once again send it out in an e-mail for review and comments.

- Reported that ConsCom has approved in concept the three-phase plan for the former Duarte property and the work of the first phase, which is to clear all non-indigenous trees, leaving a buffer along the road.

- The NTVC met and interviewed three planners and decided on one company. Ms. Nolan is checking their references and then a contract will be drawn up. Mr. Lucy said the planner won't be writing the grant; the NTVC will apply for the grant and the BOS will submit it. Mr. Gaechter clarified that would happen if there was found to be a conflict, and he directed the Town Administrator to look into if there is a conflict or not. If the grant is not gotten, the project is stopped.

- The CPC held their first meeting. Curtis Hartman is Chair. The Town Accountant was there for the financials.

- Reported that he made an error in judgment in his zeal to help a group of citizens who have gotten beach fire permits in the past. He had requested that the Beach Supervisor provide an exception to the rule for them, and he should not have interfered, going past the Town Administrator to the Beach Supervisor. He apologized to everyone involved.

**Palmer:** -Reported that the Housing Authority has decided to change their invitation to bid to contractors to an invitation to bid to entities or agencies to take on the whole project, and act as rental agent after completion. It is being redrafted by Mr. Sanguinet. Mr. Palmer made it clear that he did not agree with this because he thinks no one will be found and then it will have to go out to bid all over again. Members of the Board expressed their consternation. Ms. Nolan said she was unaware of this change. Mr. Gaechter directed Ms. Nolan to get involved in this and speak to Mr. Sanguinet.

- At the last GCAC it was reported that golf revenue is down \$12k due to the inclement weather.

**At 8:02 p.m. Mr. Gaechter moved to convene in Executive Session under the provisions of MGL Chapter 39, Section 23B to discuss personnel issues and to not reconvene in Open Session. Roll Call Vote: Asher-Best, aye; Palmer, aye; Gaechter, aye; Lucy, aye; Rose, aye. 5-0, unanimous.**

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Alfred Gaechter, Chairman

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Gary Palmer, Vice-Chairman

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Paul Asher-Best, Clerk

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Lloyd F. Rose

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Christopher R. Lucy

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